



AMERICAN SOCIETY OF
SAFETY PROFESSIONALS

Greater Chicago Chapter

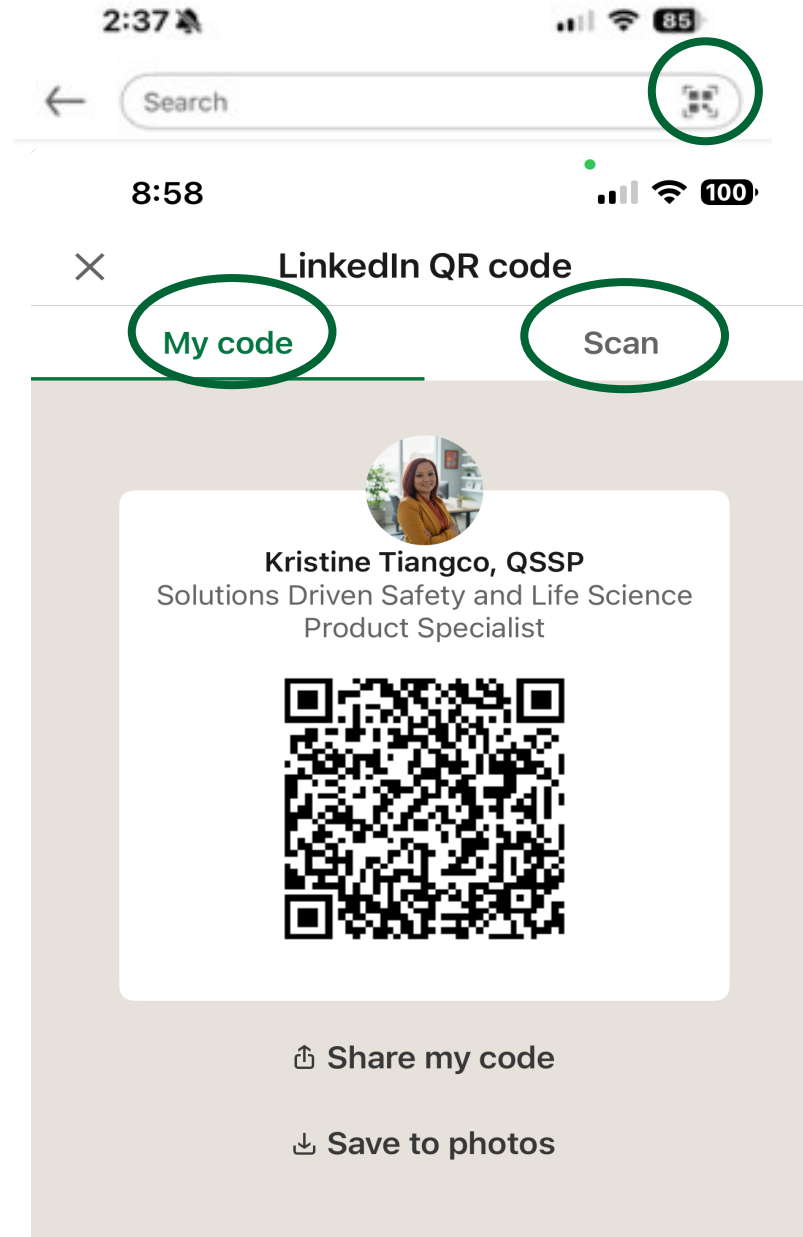
Greater Chicago ASSP February 2026 Technical Event



Let's Connect



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2025 -2026 Executive Leadership Team



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FY26 – What's New This year

✦Nominate Safety Professional of the Year (SPY) directly from our website



✦Member Appreciation Awards – Anniversary

✦Volunteer at CSHEC Conference and get FREE ADMISSION

✦For more info, email Kristine.Tiangco@thermofisher.com & abeug@gti.energy



2026 – 2027 Leadership Elections

- Open nominations coming soon!
- Become a leader in the Greater Chicago ASSP





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OSHA Enforcement & Rulemaking Update

February 20, 2026

Aaron Gelb

Chair, Midwest OSHA Practice

Conn Maciel Carey LLP

Aaron R. Gelb

agelb@connmaciel.com • 312.868.0294

Aaron R. Gelb is one of **Conn Maciel Carey's** Co-Managing Partners. Based in Chicago, Aaron leads the firm's Midwest OSHA practice and:

- Represents employers in inspections, investigations, and enforcement actions involving OSHA, CSB, & MSHA
- Responds to and manages investigations of catastrophic industrial, construction, and manufacturing workplace accidents, including explosions and chemical releases
- Handles all aspects of OSHA litigation
- Conducts safety training and compliance counseling
- Writes and speaks regularly on safety and health law issues
- One of only 10 lawyers in Band 2 of Chambers USA National OSHA Attorney rankings

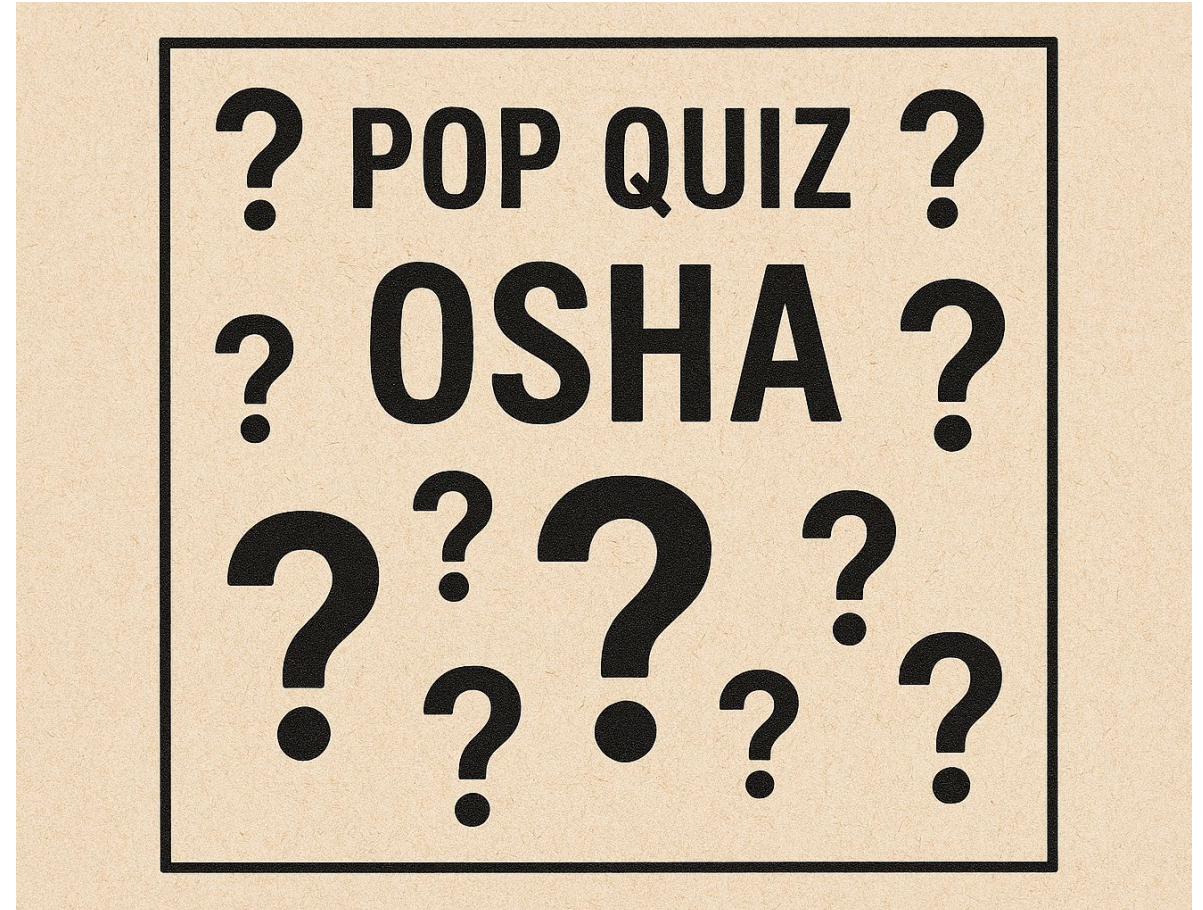


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Pop Quiz: What Might Happen to OSHA in 2026?

- a) A federal court will determine if the OSH Act is unconstitutional. OSHA may be abolished.
- b) A federal court will determine if the Review Commission (OSHRC) is unconstitutional. Employers may have the right to challenge citations in federal court.
- c) Fed OSHA states may convert to state plans.
- d) OSHA will continue inspecting, issuing big fines and press releases.
- e) All the above



New DOL/OSHA Political Leadership



**Secretary of Labor
Lori Chavez-DeRemer**

- Former Congresswoman from Oregon
- Most pro-union Republican in Congress
- 3/10/25 - Confirmed (67-32 vote)



**Asst. Sec'y of Labor for OSHA
David Keeling**

- 36-yr career at UPS from union package handler to Global VP of Health and Safety
- 10/3/25 - Confirmed by batch vote



**Deputy Asst. Sec'y for OSHA
Amanda Laihow**

- Former OSHRC Commissioner and Policy Advocate for Nat'l Assn. of Manufacturers
- Feb. 2025 – Senate confirmation Not Required

David Keeling - In His Own Words

“I’m not a politician. I’m not an attorney. I’m a safety guy that came out of operations. I was a Teamster early in my career.”

“OSHA is an enforcement agency, and it will remain an enforcement agency. That is our job.”

“It’s important to use all the tools in the bag, and enforcement is an important club in that bag.”



Staffing and Budget at OSHA

2016-2021 - Trump I

- 1st time in OSHA's history, OSHA did not have a Senate-approved Assistant Sec'y for OSHA for a full presidential term
- By the end of his 1st term, OSHA had the fewest CSHOs in the agency's history and a slew of vacant leadership roles

2025 – Trump II

- Already-confirmed Labor Secretary, Assistant Sec'y of Labor for OSHA and Dep. Assistant Sec'y
- Day 1 EOs affected OSHA staffing:
 - Federal hiring freeze
 - Return to work in-person
 - Shutter Area Offices
 - “Fork in the Road”
- OSHA has contracted by at least 25%





Government Shutdown(s)

- The first lasted 43 days (10/1/25 – 11/12/25)
- Non-essential federal employees were furloughed
- Essential personnel continued working, mostly without pay.
- 1,204 of OSHA's 1,664 employees furloughed (only 460 active)
- No programmed inspections, compliance assistance, and rulemaking
- Furloughed employees returned a massive backlog of employee complaints and reported injuries
- OSHRC needed to process more than 200 new contested citations
- Second shutdown lasted only a few days.

Jon Snare Confirmed as OSHRC Commissioner

- Confirmed 10/3/2025 (term expires on April 27, 2029)



Occupational Safety and Health Review Commission

Current Chairmen and Commissioners

Chairman/Commissioner	Name	Term Start	Term End
Chairman/Commissioner	Jonathan Snare	November 3, 2025	



- Previously served as:
 - Acting Ass't Sec'y for OSHA, Deputy Ass't Sec'y, Deputy Solicitor of Labor and Acting Solicitor (in the George W. Bush Administration)
 - Acting Solicitor of Labor for Trump Administration (Feb. – Sept. 2025)

SEC v. Jarkesy and OSHRC-Related Progeny

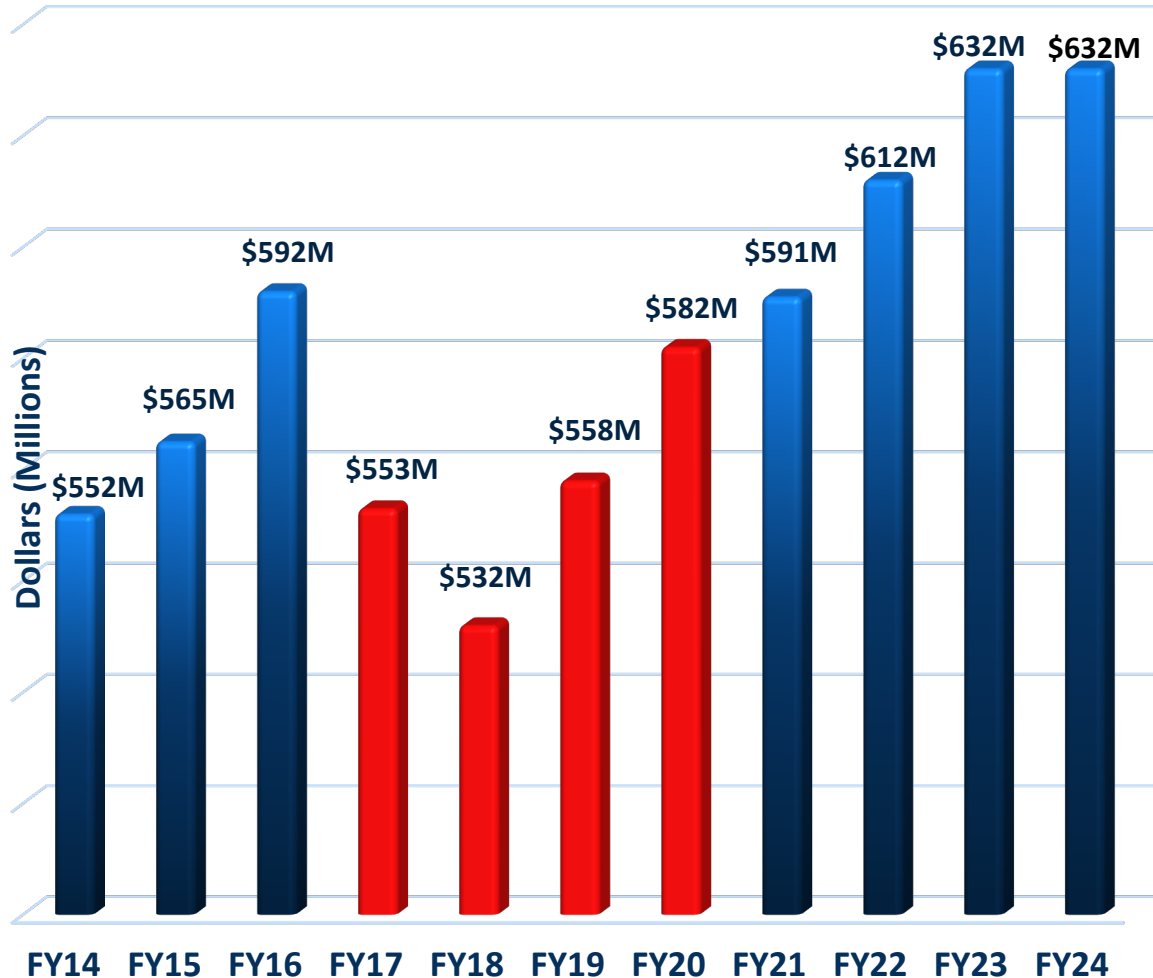


- SEC statutes permit enforcement actions for civil fraud via administrative proceedings
- SCOTUS: Respondent has 7th Am. right to jury trial (not admin. adjudicator) where SEC seeks penalties for securities fraud, where the cause of action resembles a common law cause of action and/or the remedy is the sort historically obtained in a court of law
- *Kenric Steel vs. OSHA* (Dist. of NJ) and *Flying A Pumping Services v. OSHRC* (N.D. of TX)
 - Employers seek to block OSHA enforcement, claiming OSHRC is Unconstitutional
 - OSHRC leadership cannot be removed at-will by President (violates separation of powers)
 - OSHRC ALJs selected by OSHRC Chair rather than the President (violates Appointments Clause)
 - Employer deprived of 7th Am. right to jury trial



OSHA Enforcement Review and Forecast

Reducing DOL/OSHA Budget



Trump Proposed Budget:

- White House **proposed \$582M** (8% cut from FY25)
- \$582M in FY20 = \$715M today
- **Enforcement - \$219M** (Cut by 10.7% from \$243M)
- Staffing reduced by 12.3% (from 1,810 to 1,587)
- 24% cut to Rulemaking
- Cuts *projected* inspections from 34,682 to 24,929

Congressional Budget:

- **Agreed to \$629M** (barely less than last year's \$632M)
- Pending full Senate Approval
- **Enforcement - \$243M**
- \$154.2M - **compliance assistance**
- \$120M for **state programs**
- \$22.5M - **whistleblower enforcement**
- \$18.5M for **standards**

Fewer \$ = Fewer CSHOs



Fed OSHA had 878 CSHOs at end of FY23

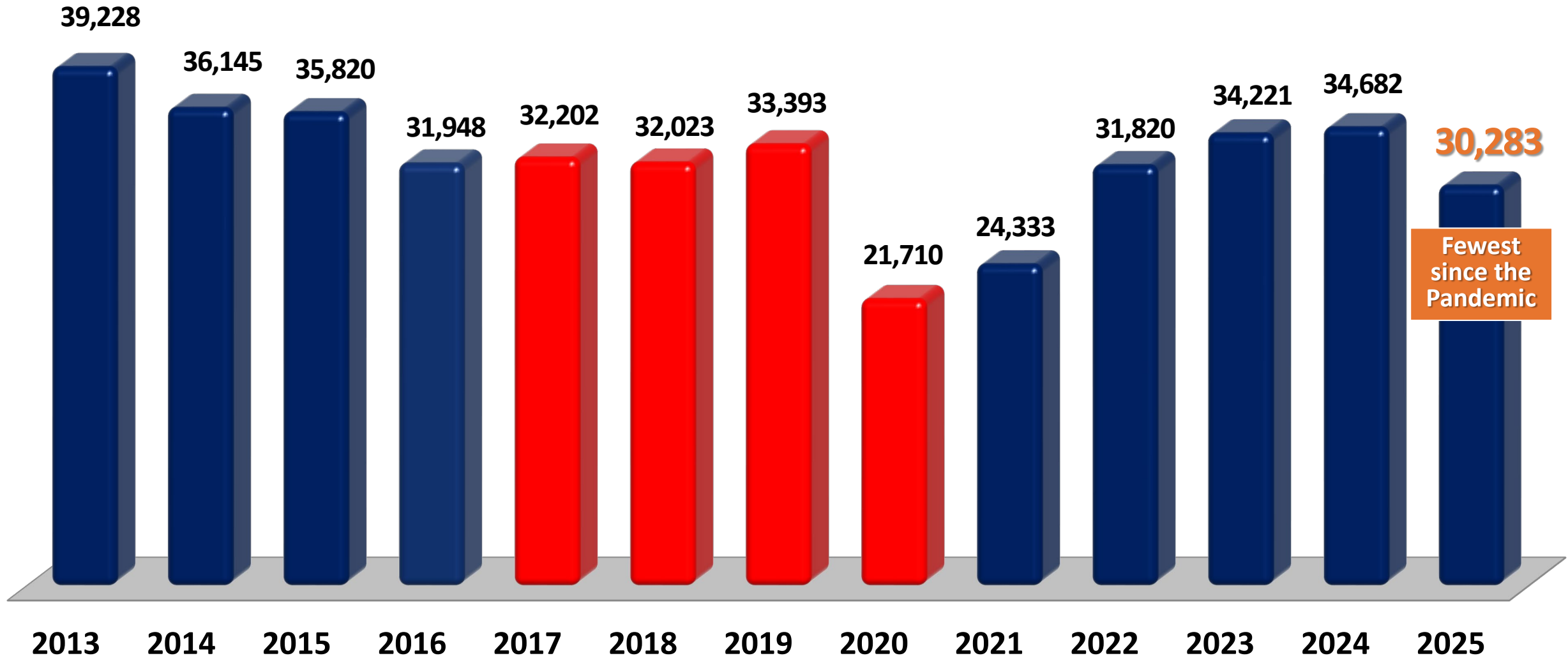
Fed OSHA had 736 CSHOs as of 6/25

1,720 CSHOs total, including state plans

144 million workers

1 CSHO for every 84,000 workers

Total Fed OSHA Inspections by Fiscal Year



A Deeper Look at the Numbers



	FY 2024	FY 2025
Total # Inspections	34,682	30,283
Total # citations	45,495	42,355
Serious citations	31,115	28,656
Willful citations	450	285
Repeat citations	2,757 (6.1%)	2,719 (6.4%)
In Compliance inspections	40%	36%

Repeats on the Rise

	2002	2008	2013	2019	2021	2023	FY 2024	FY 2025
Serious	58,845	67,052	56,661	36,447	23,047	33,750	31,115	28,656
Repeat	1,867 2.4%	2,817 3.2%	3,193 4.0%	2,471 4.8%	1,789 5.7%	2,858 5.9%	2,757 6.1%	2,719 6.4%
Willful	331	517	355	404	383	605	450	285

- New Repeat policies under Obama/Biden increase % of Repeat violations every year
 - Treat facilities w/in same corporate entity as a single workplace
 - Look back 5 years (instead of 3) at OSHA record for prior violations to be the bases for Repeats
 - Proactive Targeting (follow-up inspections / selecting past violators for inspection)

Higher Max Penalties *BUT* Higher Penalty Discounts

Classification	Historical	2016 (78% Increase)	2025 (2.5% Increase)	2026 (2.7% Increase Expected)
Other-than-Serious	\$7,000	\$12,471	\$16,550	≈ \$17,000
Serious	\$7,000	\$12,471	\$16,550	≈ \$17,000
Willful	\$70,000	\$124,709	\$165,514	≈ \$170,000
Repeat	\$70,000	\$124,709	\$165,514	≈ \$170,000
Failure to Abate	\$7,000 per day	\$12,471 per day	\$16,550 per day	≈ \$17,000 per day

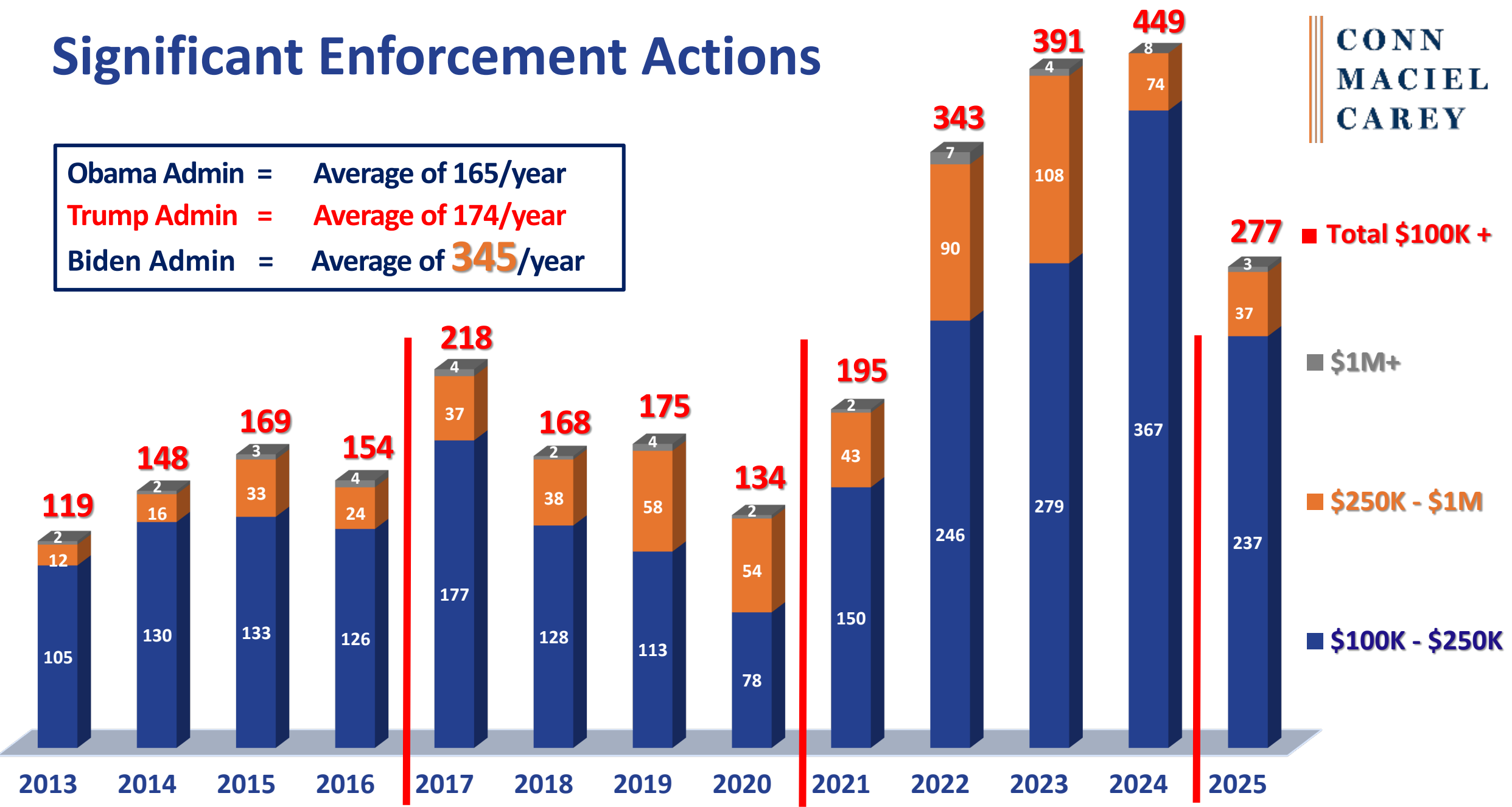
New Increased Penalty Discounts

- Up to 70% off if < 25 employees (up from 10)
- Up to 15 % off for quick fixes
- Up to 20% off if no serious, willful, repeat citations in 5 yrs

Significant Enforcement Actions

Obama Admin = Average of 165/year
 Trump Admin = Average of 174/year
 Biden Admin = Average of 345/year

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Proactive Enforcement Targeting

 Site Specific Targeting	 Falls NEP
 Combustible Dust NEP	 Primary Metals NEP
 Amputations NEP (LOTO and Machine Guarding)	 Chem Facility/Oil Refinery Process Safety Management NEP
 Heat Illness NEP	 Trenching/Excavations NEP
 Lead, Silica, and Hexavalent Chromium NEPs	 Warehousing and High Injury Rate Retail NEP
 REPs/LEPs – Top 50 Health Hazards, Noise, Forklifts, Etc.	

- Steady # of Nat', Regional and Local Enforcement Emphasis Programs from FY24 to FY25
 - 51% of inspections in FY24 were programmed inspections (17,170)
 - 42% of inspections in FY25 were programmed inspections (12,718)

Chicago Regional & Local Emphasis Programs



- Noise Hazards in the Workplace
- Powered Industrial Vehicles
- Food Manufacturing Industry
- Transportation Tank Cleaning Operations
- Grain Handling Facilities
- Renovation, Rehabilitation, and Demolition
- High Rise Building Construction in Chicago
- Wood Pallet Manufacturing Industry

OSHA Enforcement Press Release (aka “Regulation by Shaming”)

OSHA News Releases – Enforcement

January 2025

- **01/16/2025** - [OSHA News Release - Atlanta Region](#) - US Department of Labor finds storm pipe cleaning, maintenance worksite
- **01/14/2025** - [OSHA Trade Release](#) - US Department of Labor announces adjusted OSHA civil penalty amounts for
- **01/14/2025** - [OSHA News Release - Philadelphia Region](#) - US Department of Labor cites Pennsylvania soap, deodorant chemical release

December 2024

- **12/31/2024** - [OSHA News Brief](#) - Owner of Medford construction company sentenced to 18 months for tax crimes
- **12/31/2024** - [OSHA News Release - Chicago Region](#) - Zion contractor again found ignoring protections to prevent
- **12/27/2024** - [OSHA News Release - Atlanta Region](#) - US Department of Labor finds Louisiana contractor could
- **12/26/2024** - [OSHA News Release - Boston Region](#) - Department of Labor finds Glenburn contractor ignored r
- **12/26/2024** - [OSHA News Release - Dallas Region](#) - US Department of Labor investigation finds Frisco contracto
- **12/26/2024** - [OSHA News Release - Birmingham Region](#) - US Department of Labor finds worker electrocution tied to Alabama contracto

Obama/Biden
≈40 Press Releases per Month

Trump/Pence
≈10 Press Releases per Month

Biden/Harris
≈20 Press Release per Month

Trump/Vance
≈2 Press Releases per Month

Significant Fines Continue

12/16/25 – Ohio **bakery** fined **\$395K**

12/15/25 – Connecticut **construction contractor** fined **\$1.2M**

12/8/25 – Idaho transformer **manufacturer** fined **\$987K**

11/24/25 – New Jersey **food producer** fined **\$1M**

9/30/25 – Georgia bridge **painting contractor** fined **\$877K**

9/15/25 – Florida **roofing contractor** fined **\$753K**

8/11/25 – NJ **commercial laundry** fined **\$253K**

7/21/25 – NJ **roofing contractor** accepts **\$155K** fine



What OSHA “leaves behind” after Inspections

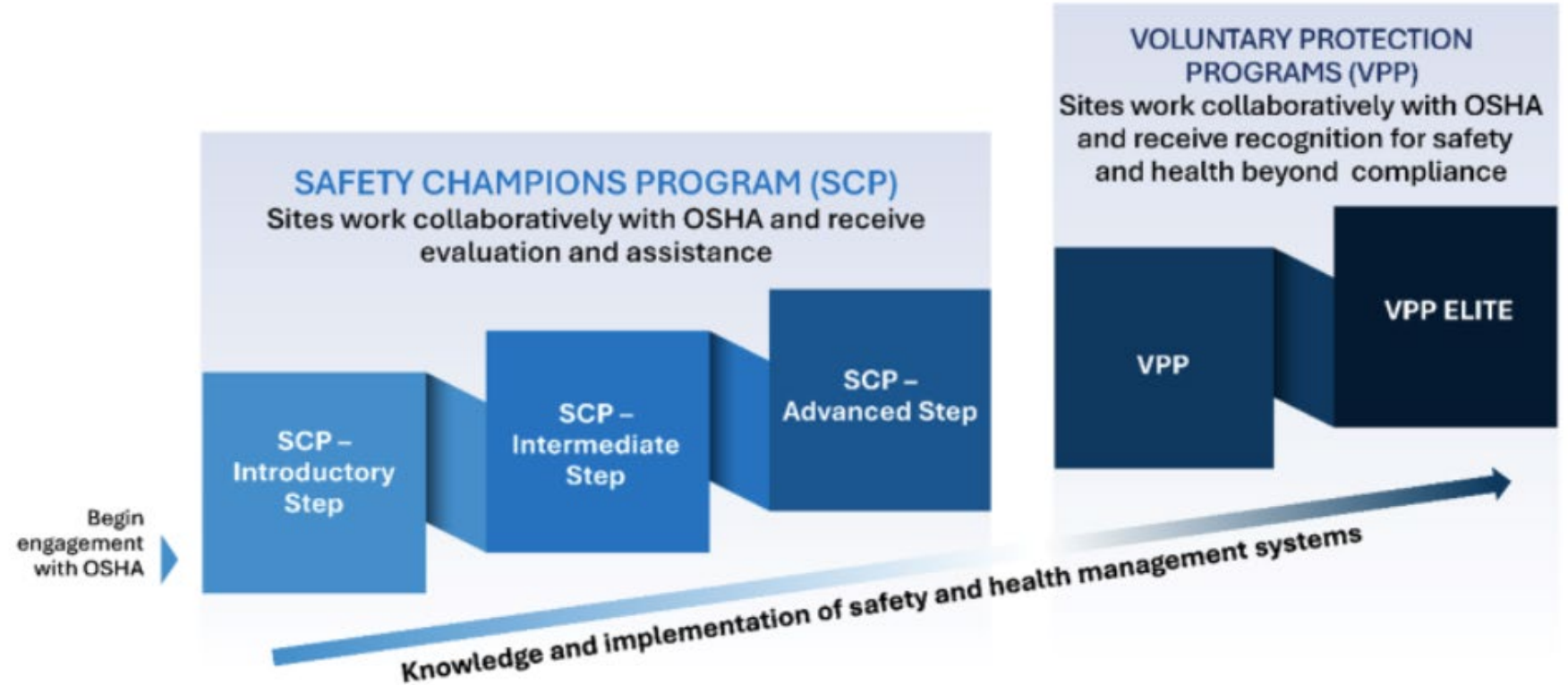


- OSHA wants to make an impact and do as much good as possible w/ every inspection
- Maybe the CSHO does not find a violation, but IDs areas for improvement
- Maybe the inspection scope is limited, but if the employer is comfortable enough to benefit from OSHA’s expertise while they are on site, there are areas beyond the scope the employer could allow OSHA evaluation and make recommendations
- Experienced OSHA CSHOs already make those kinds of recommendations, but OSHA does not formally track that – Considering Ways to Formalize That w/out Citation
- Give CSHOs time and encourage them to (and employers to let them) do explore those kinds of opportunities during inspection - Like a Safety Free Consultant

OSHA PATHWAY TO SAFETY AND HEALTH SUCCESS

Reimagining VPP

“We're looking at how we work with employers who are meeting and exceeding safety standards, such as those in VPP, all the way to those who are just beginning to understand what an effective safety culture looks like. And we're putting support in place to help them develop their safety and health programs.”





OSHA Rulemaking Review and Forecast

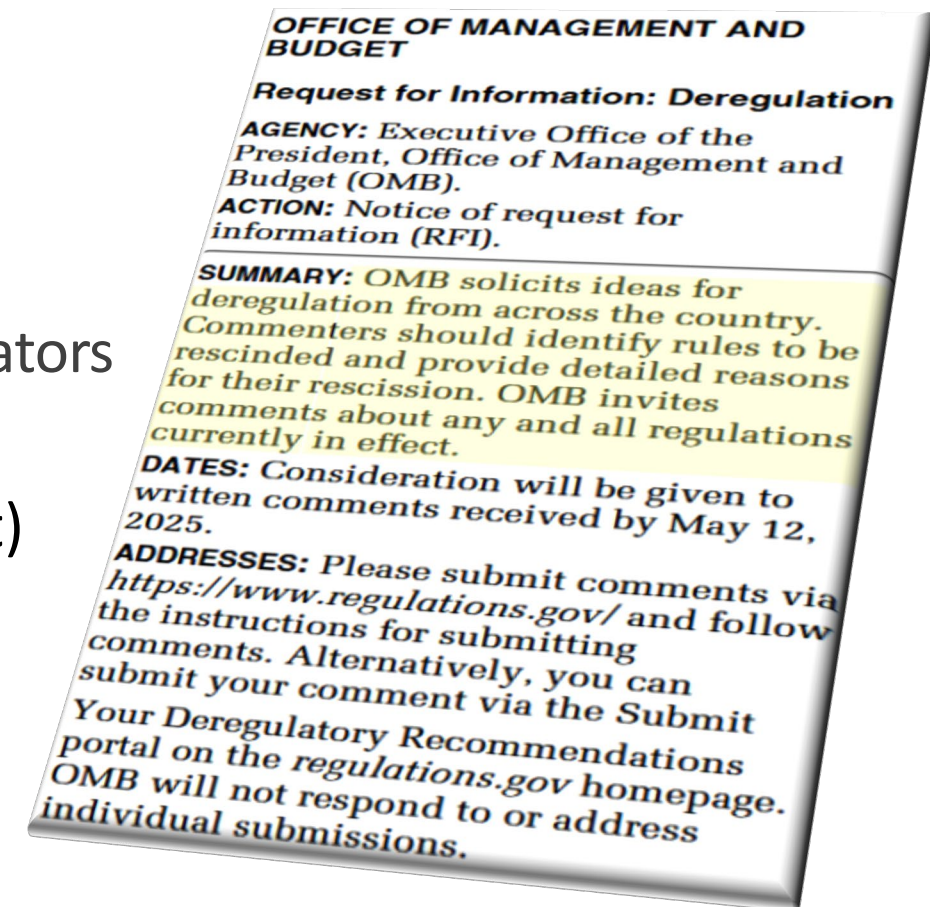
Trump's Executive Orders re: Agency Rulemaking

- Freeze implementation of new federal regulations and prevent bureaucrats from issuing regulations until Trump Admin. installs political appointees
- Agencies may not propose or issue any new rule until a Trump-appointed agency head reviews and approves the rule
- Agencies to immediately withdraw rules sent to but not yet published in the *Federal Register*
- Postpone effective date of any rule published in the *Federal Register* but not yet in effect
- 1st Trump Admin. implemented policy that for every 1 new regulation, 2 existing regs should be withdrawn, but now he is talking about 10:1

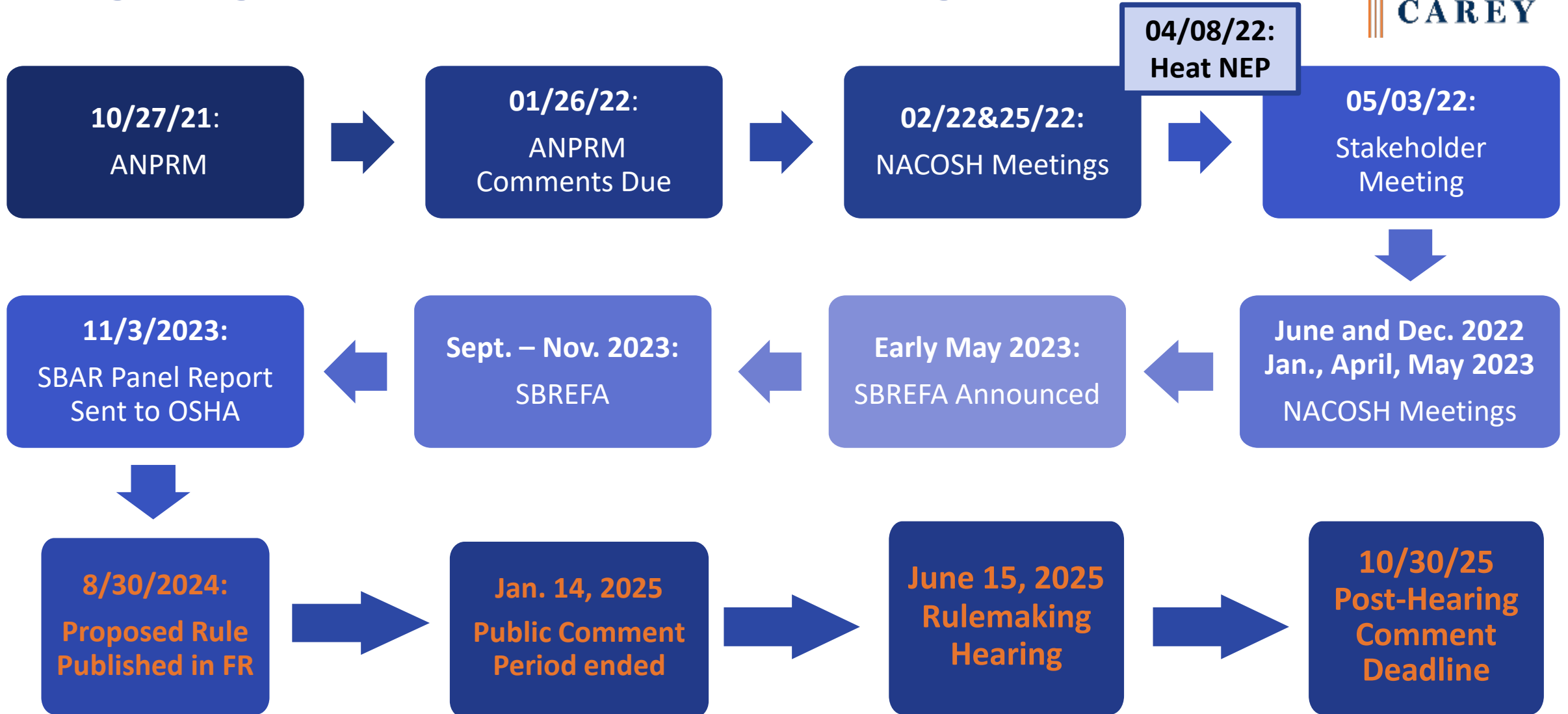


Potential Deregulatory Rulemakings

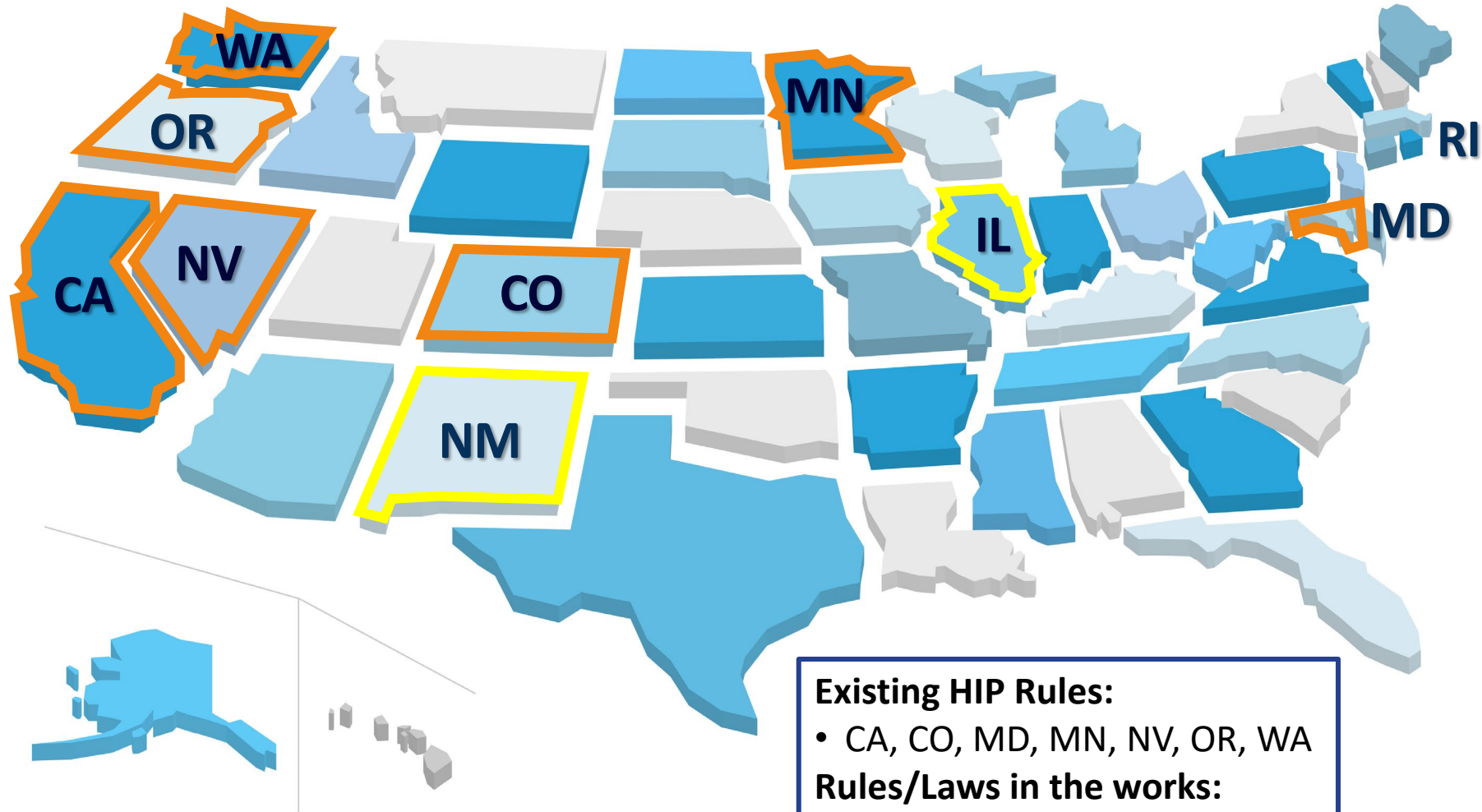
- **Rescind** the Worker Walkaround Representative Designation Process Rule
- **Rescind** tall fixed ladder retrofit requirements from the 2016 Amended Walking-Working Surfaces Standard
- **Eliminate** fit test/med eval requirements for N95 respirators
- **Modernize** Hazardous Energy Control (Lockout/Tagout)



Ongoing Heat Illness Rulemaking



Map of States with Existing / Proposed Rules



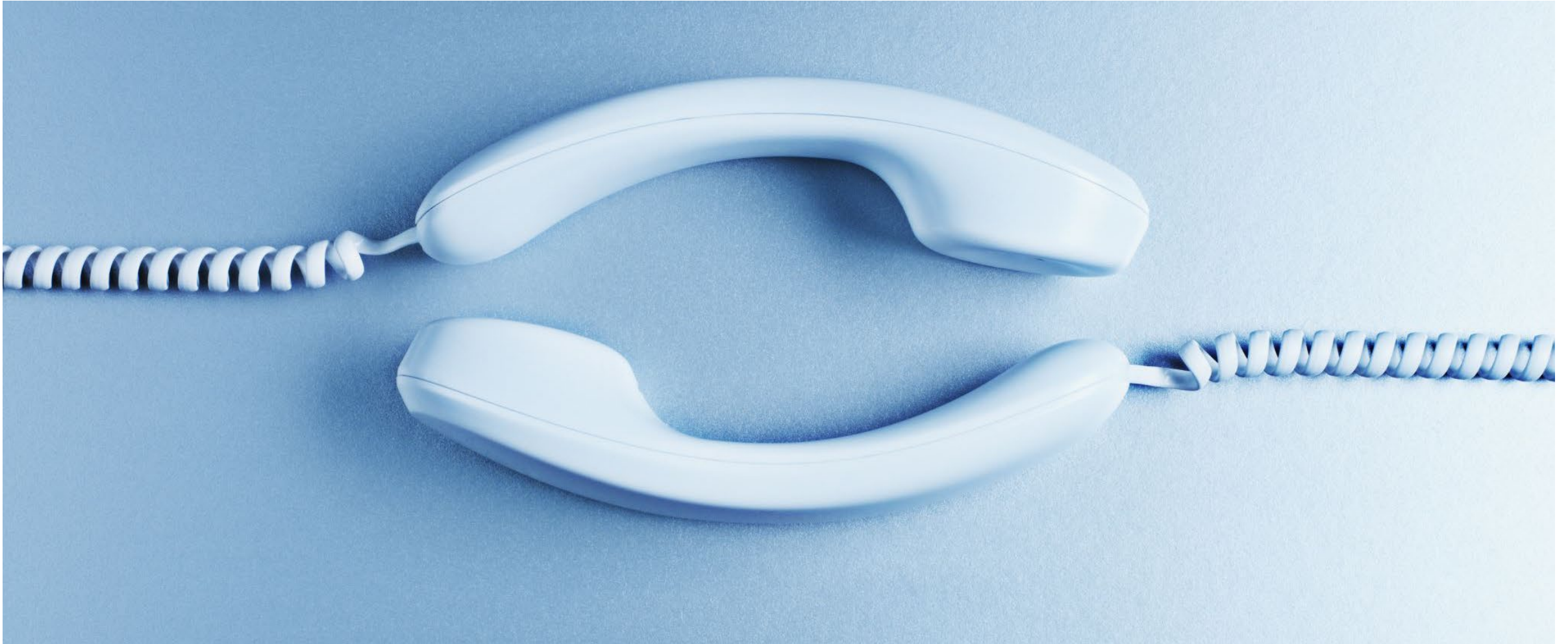
Existing HIP Rules:

- CA, CO, MD, MN, NV, OR, WA

Rules/Laws in the works:

- NM, IL, RI

Call to Action



Proactive Safety Steps to Take in 2026

- Review and update key safety programs (e.g., LOTO)
- Conduct a guarding update.
- Retrain employees on key safety programs
- Audit records (PIT operator evaluations, periodic inspections)
- Create list of lifesaving safety rules, publish and train
- Retain a third-party safety consultant
- Adopt a documented internal auditing and work observation program
- Determine which emphasis programs apply to you and review
- Make sure you are getting recordkeeping and reporting right
- Prepare for OSHA inspections

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Join Us at Our
In-Person Events
Throughout the
West Coast, the
Southeast, and
the Midwest.



Cal/OSHA and California Labor and Employment Law Summit

Tuesday, Oct. 6 in Berkeley | Thursday, Oct. 8 in Pasadena



Southeast OSHA, MSHA, and Labor and Employment Law Summit

Tuesday, Apr. 28 in Atlanta | Thursday, Apr. 30 in Charlotte



Midwest OSHA, MSHA, and Labor and Employment Law Summit

Summer 2026 | Locations TBD (Chicago, Detroit, and/or Columbus)

2026 OSHA Webinar series



OSHA 2025 Year in Review and 2026 Preview

Thursday, January 29th

OSHA Inspections, OSHA Recordkeeping, and LOTO

Thursday, March 5th

Drug Testing in the Workplace

Tuesday, May 12th

OSHA's Proactive Enforcement Playbook: Are You Ready for an Emphasis Program Inspection?

Tuesday, July 14th

Workplace Violence Prevention Strategies and an Overview of the Ever-Growing Legal Landscape

Tuesday, September 15th

Internal Investigations and Audits: Preserving Privilege and Managing Risk

Thursday, November 5th

State OSH Plan Update

Monday, February 10th

Federal and State OSHA Heat Illness Prevention

Wednesday, April 8th

Understanding OSHA's Approach to Ergonomics

Thursday, June 11th

Clash of the Workplace Titans: When Safety Requirements Conflict with Disability-Related Accommodations

Wednesday, August 5th

Whistleblower and Retaliation Law in 2026 - Where Employers Are Getting Tripped Up

Tuesday, October 27th

Understanding Occupational Exposure Limits: Table Z, PELs, RELs, TLVs, and Ceiling Concentrations

Tuesday, December 8th

2026 Cal/OSHA Webinar series



Targeted Enforcement in High-Hazard Industries

Tuesday, February 17th

Unique Cal/OSHA and West Coast Regulations

Tuesday, March 17th

Federal and State OSHA Heat Illness Prevention

Wednesday, April 8th

Cal/OSHA Mid-Year Update

Thursday, May 14th

When Safety Impacts Litigation Beyond Cal/OSHA

Tuesday, June 23rd

The Intersection of Labor, Employment, and Safety

Tuesday, July 21st

Review of Division Procedures a Year After Audit

Thursday, August 13th

Workplace Violence Prevention Strategies

Tuesday, September 15th

CMC's 4th Annual In-Person Cal/OSHA and Labor and Employment Law Summit

Tuesday, October 6th and Thursday, October 8th

Differences Between the Fed/OSHA General Duty Clause and the Cal/OSHA Injury and Illness Prevention Program

Thursday, November 12th

Annual Cal/OSHA Enforcement and Regulatory Update: Are You Ready for 2027?

Wednesday, December 2nd

Special Services

Advanced education opportunities to keep you current on key industry topics

Consulting services for complex issues

OSHA Inspection Masterclass

- Building and preparing your inspection team
- Preparation strategies
- Achieving successful outcomes
- Employers' and employees' rights
- Tips for managing each stage of an inspection
- Dealing with third-party participants

[LEARN MORE](#)

OSHA Injury and Illness Recordkeeping and Reporting Masterclass

- OSHA 300 Log recordkeeping
- E-Recordkeeping
- Serious injury and fatality reporting
- determining work-relatedness and reporting regulations

[LEARN MORE](#)

Stay Ready: Labor/Employee Relations and Collective Bargaining Masterclass Series

- Uncovering legal landmines: What Employers Need to Know About Labor Law and Labor Relations
- Positive employee relations and union organizing
- Collective-bargaining, contract implementation, and administration

[LEARN MORE](#)

California Workplace Violence Prevention Compliance Solutions

- Workplace violence prevention plans
- Hazard assessments
- Incident investigations and reports
- Violent Incident Logs
- Interactive employee and supervisor training
- Recordkeeping

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the **Cal/OSHA** Defense report



the **MSHA** Defense report

Recognition



Conn Maciel Carey LLP is proud to announce that the firm has been recognized by Chambers USA as one of only three law firms ranked Band One nationally for OSHA Law

Questions

